

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES EDWIN BARNARD,
Plaintiff,

v.

LIBBYE C. HOWARD & LAWRENCE, BACA, &
DONOHUE,
Defendants.

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CASE No. H-07-mc-00238

ORDER ON DISMISSAL

The above-styled case has been filed in this court pursuant to diversity jurisdiction under 28 U.S.C. § 1332. Dkt. 1. The party seeking to invoke federal diversity jurisdiction bears the burden of establishing that the jurisdictional requirements are satisfied. *Garcia v. Koch Oil of Tex., Inc.* 351 F.3d 636, 638 (5th Cir. 2003). These requirements include: (1) complete diversity of citizenship among the parties, and (2) an amount in controversy exceeding \$75,000.00. 28 U.S.C. § 1332. In order for complete diversity to exist, the plaintiff's citizenship must be diverse from each defendant. *See Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267 (1806). If the court determines that any plaintiff has identical citizenship with any defendant, the court must dismiss the case for want of jurisdiction, even on its own motion if necessary. *Id.*; *Arbaugh v. Y&H Corp.*, 126 S. Ct. 1235, 1244 (2006). Here, the plaintiff himself has pled that he is a citizen of the state of Texas, and that at least one defendant is a citizen of Texas. Accordingly, complete diversity is lacking and the court is without jurisdiction to consider the matter. Plaintiff's claims are DISMISSED.

Signed at Houston, Texas on April 25, 2007.



Gray H. Miller
United States District Judge